

# Sage Legal LLC

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February 8, 2025

**VIA ECF**

United States District Court  
Eastern District of New York  
Attn: Hon. Hector Gonzalez, U.S.D.J.  
225 Cadman Plaza East  
Courtroom 6A South  
Brooklyn, NY 11201-1804

**Re: Ortega v. Champagne Room BK, Inc., et al.**  
**Case No.: 1:21-cv-1125 (NGG) (CLP)**

Dear Judge Gonzalez:

This office represents the Plaintiff Iuminada Ortega (hereinafter the “Plaintiff”) in the above referenced case. Plaintiff writes to submit its response to this Court’s Order to show cause explaining why your undersigned should not be sanctioned.

Your undersigned apologizes for not filing the letter by Thursday, February 6, 2025 as directed by this Court’s Order dated January 30, 2025. Plaintiff was unable to timely file the letter as directed because of your undersigned’s actual engagement before the Hon. Dakota D. Ramseur, J.S.C. in the matter of Paleja v. KP NY Operations LLC, Index No.: 651286/2020 (New York County Supreme Court) for an in-person settlement conference,<sup>1</sup> which took substantial time to prepare for given that there were two (2) related actions. Due to the foregoing, and in light of Plaintiff’s curing its non-compliance with this Court’s Orders earlier today, sufficient good cause and excusable neglect exists to warrant this Court’s exercise of discretion in favor of granting an extension of time, *nunc pro tunc*, of the deadline to file the letter concerning Defendant Sarkis Avoyants (“Avoyants”). See Fed. R. Civ. P. 6(b)(1)(B).

As explained in the earlier filed letter concerning Avoyants, no corrected proposed summons is necessary given the fact Avoyants has been properly served in accordance with Rule 4 of the Federal Rules of Civil Procedure (hereinafter referred to as “Rules” or “Rule”) in connection with the Second Amended Complaint and because Rule 5 only requires that the Fourth Amended Complaint (“FAC”) be mailed to Avoyants’ last known address. Notwithstanding, out of respect for the Court and in an effort to comply with its Orders, Plaintiff timely requested a summons on January 31, 2025 and timely renewed its request for a summons earlier today, ahead of the February 10, 2025 deadline to do so. For the foregoing reasons, Plaintiff respectfully submits there has been no lack of diligence in serving the FAC.

In addition, Plaintiff respectfully wishes to address this Court’s observations in its January 30, 2025 Order concerning her lack of diligence with other deadlines.

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<sup>1</sup> Your undersigned is pleased to report that a global settlement was reached.

With respect to the January 22, 2025 status report, Plaintiff noted within its January 24, 2025 submission that she recognizes it was late and explained that your undersigned was traveling out of the country over the weekend and experienced flight delays due to the winter storm, rendering your undersigned unable to sooner timely submit the status report. See ECF Docket Entry [105](#) n. 1. Plaintiff respectfully submits that, based on these representations, there is both good cause and excusable neglect warranting an extension of time, *nunc pro tunc*, of the deadline to submit the status report. See Fed. R. Civ. P 6(b)(1)(B).

As to the billing records which were due on Friday, December 27, 2024 but filed on Saturday, December 28, 2024 at 8:32 AM, Plaintiff explained in her cover letter that your undersigned was ill and confined to bed. Plaintiff again respectfully submits that, based on these representations, there is both good cause and excusable neglect warranting an extension of time, *nunc pro tunc*, of the deadline to submit the billing records. See Fed. R. Civ. P 6(b)(1)(B).

Similarly, as noted by the Court concerning the June 10, 2024 deadline, Plaintiff sought and received an extension of time concerning that deadline because he was actually engaged in preparation for and conducting – not one, but two – separate hearings, and then timely complied with same. See ECF Docket Entries [88](#), [89](#), [90](#), 91 (filed under seal), [92](#); see also Electronic Order dated June 14, 2024.

Based on the foregoing, while your undersigned understands the Court's concerns about timely complying with its Orders, Plaintiff respectfully submits that that your undersigned has not displayed a lack of diligence. Notwithstanding, Plaintiff heeds this Court's warnings and respects this Court's wish to be more diligent. For the foregoing reasons, Plaintiff respectfully submits that this Court should exercise its discretion against issuing sanctions.

Plaintiff thanks this honorable Court for its time and attention to this case.

Dated: Jamaica, New York  
February 8, 2025

Respectfully submitted,

**SAGE LEGAL LLC**

/s/ Emanuel Kataev, Esq.

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**VIA ECF**

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**VIA ECF**

All counsel of record